

Agricultural Advisory Committee
April 21, 2020 Meeting Minutes

Attendees: Peter Driscoll, Ben Butler, Doug Lechliger, Ben Allnutt, Linda Lewis, Jane Evans, Aliza Silver, Lori Larson, Debra Tropp, Chuck Schuster, Ben Butler
Staff: Jeremy Criss

Agenda items are in bold and minutes are not bolded.

1. Call the Meeting to Order and Introductions: 7:05 PM

This meeting is being held on Zoom due to the COVID-19 pandemic and is being held consistent with the Open Meetings Act.

2. Approval of the AAC meeting minutes from February 18, 2020. Approved as corrected. (Evans/Larson)

3. The Office of Agriculture developed a COVID-19 Agricultural Business Resources published on the OAG website that is updated daily.

<https://www.montgomerycountymd.gov/agservices/boards-committees/guidance-for-ag-business.html>

OAG has developed resources, which are posted on its website, which include updates from the Maryland Dept. of Agriculture, the Maryland Farm Bureau, the Governor's office, and the federal government. Please send any updates that may not be on the website, so that OAG may post them.

4. The County released the Public Health and Emergency Grant Program PHEG- \$20 million <https://montgomerycountymd.gov/Biz-Resources/pheg/index.html>

As of last week, 1,500 applications have been submitted. The Department of Finance is asking for help from all agencies to review the applications by looking at eligibility requirements and entering them into the computer system for processing the payments.

Jeremy had sent out the notice for the grant applications to the AAC, the Soil Conservation District, County Farm Bureau and the Ag Preservation Board.

5. The USDA has announced the Coronavirus Assistance Program -\$19 Billion <https://www.usda.gov/media/press-releases/2020/04/17/usda-announces-coronavirus-food-assistance-program>

Debra is on the listserv for this program and will send out the slides that she receives with more information. Part of the program is the collection of food products into boxes, which are then delivered. Proposals will have to describe all the partners and their functions.

6. 2020 Maryland Legislative Session

The session ended early; it typically runs through mid-April.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0848F.pdf>- HB 848- passed and we are waiting for the Governor's signature. The HB 848 directs proceeds from the County Agricultural Transfer Tax for ag land preservation easement purchases and other ag programs. *Please note that County action on this bill will be delayed due to the fiscal crisis from the COVID-19 pandemic.*

We will revisit this when the COVID-19 situation has subsided enough to allow us to work on it.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0805F.pdf>- HB 805- passed and we are waiting for the Governor's signature. The HB 805 creates a new occupancy of 100 people under Public Safety Section 12-508 and allows Montgomery County to use agricultural buildings for agricultural tourism for occupancies up to 100 people.

The MD Public Safety Statute 12-508 provide two options for occupancy: up to 50 people or up to 200 people. This HB 805 creates a middle tier of 100 occupants. Montgomery County is now listed as having that designation. Next, Jeremy will work with the Dept. of Permitting Services to update their current policies.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0827F.pdf>- HB 827 - assigned to summer study-proposal to add rifles as acceptable firearms in Montgomery County while hunting with a deer management permit.

SCA and MCA had concerns with this bill. Having the bill assigned to the summer study will slow things down and give everyone an opportunity to hear the concerns and attempt to address them. Delegates Fraser Hidalgo, Lily Qi, Resnick, and Eric Luedtke and Senator Zucker sponsored the bill. The AAC will work with MAP and the MCFB on future discussions with the community including how rifles could be used safely in the Ag Reserve to reduce deer herds.

7. The Executive staff continues to offer virtual solar GIS mapping briefings with the County Council pertaining to the Solar ZTA 20-01. The following council members have seen this GIS mapping briefing- Hans Riemer, Tom Hucker, Will Jawando. Solar mapping briefings with the other council

members are pending. The County Council introduced ZTA 20-01 to allow Community Commercial Solar in the Agricultural Reserve that proposes a total of 1,800 acres or just 2% of the Agricultural Reserve-AR zone should be allowed for larger Solar installations.

<https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/zta/2020/ZTA%2020-01.pdf>

The AAC submitted our written testimony, including notes from our straw vote discussion, for the public hearing which Doug Lechluder attended. There seemed to be more people in attendance opposed than in favor of the Solar ZTA 20-01.

The executive staff prepared a GIS mapping briefing that shows all the acres in the Ag Reserve, how many are prime and productive soils, how many have been forested, how many are water bodies (streams, ponds, creeks, and rivers), how many are impervious surfaces (where structures are built), and which are properties encumbered by ag preservation easements. The map also denotes the five substations in the Ag Reserve and displays a two-mile radius around them. The solar industry tells the County that solar installations need to be within two miles of a substation to be cost effective. After all factors have been considered, the model leaves 900 acres that may work for solar installations, depending on property owner desire and other factors, including engineering issues.

The ZTA called for no more than 1,800 acres, which is 2%. County Executive Elrich opposed the ZTA, agreeing with the various ag groups. Jeremy has the hard copy materials from the solar briefing and will scan and send them around. *Please note the Power Point Presentation is too large to send attached to an email, therefore Jeremy is providing this link that hopefully will take you to the Solar Mapping Briefing.*

<https://www.montgomerycountymd.gov/green/Resources/Files/climate/solar-presentation-2-26-20.pdf>

Doug asked if the solar installations can be connected to the Power Transmission Lines. Jeremy explained that there are 1,400 acres underneath the Power Transmission Lines in the Ag Reserve (separate from the 900 acres). The land is owned by the power companies. Both Doug and Lori have property on both sides of those lands under the Power Transmission Lines and putting solar there would divide a lot of farming properties which would be create unintended consequences. It could make it almost impossible to access some of their property for farming. Jeremy told Executive staff that it doesn't make sense to have solar installations under the Power Transmission Lines because it would create a very

awkward farming situations for those like Doug and Lori who have long standing agreements with the power companies to be able to either farm underneath the lines or to cross the lands between their farming properties. The Intent of the Ag Reserve is that ag use is the preferred and primary use.

- 8. The County Office of Agriculture was awarded a Rural Legacy Program-RLP Grant of \$2,704,500 on January 8, 2020. The Grant Agreements were executed in March however, COVID-19 pandemic may negatively the County receiving these Grants.**

The clock began ticking on the 12 months to get the easements completed when the grants were executed in March. The OAG reached out to the Department of Natural Resources requesting an extension for one additional year. If we were to move forward with them immediately, we may not be approved due to the added costs, and since COVID-19 is requiring the reduction of spending on other projects.

- 9. The OAG is coordinating a meeting of the agricultural agencies and staff to develop a plan for opening retail agricultural businesses. This plan will seek additional guidance from the Governor on the orders for essential businesses.**

Governor Hogan has issued an order that all food producing businesses are considered essential. Farmers markets continue to operate. It is unclear what the procedure will be for retail ag businesses and on-site farm markets. The Governor does not want gatherings of people larger than ten, and that Marylanders can go to grocery stores and farmers markets/on-site farm markets if they practice social distancing.

Pick-your-own season adds complications. OAG is looking to retail farm businesses to come up with guidance for how to execute social distancing on farm. Jeremy would like to send questions and recommendations to the MDA Secretary's office on this topic. Linda Lewis has provided questions and guidance for social distancing in her market. *Please note that the MDA did not specifically answer our questions and only provided the instructions that the Governor has already announced.*

Jane Evans asked about the upcoming strawberry picking season. Ben Butler says that they have 12 acres of pick-your-own strawberries and should be able to fit 100 people per acre in groups that are willing to keep six feet away from others. Otherwise, they are not equipped to harvest all of the strawberries on their own. AAC members agree that proper guidance can make pick-your-own work with social distancing, but they are concerned about the potential impact on the agricultural sector's reputation.

Some raised the question about liability and public concern about contracting the virus from pick-your-own establishments where they might touch the strawberry that another person touched. Aliza mentioned that USDA And FDA official policy is that there is no evidence that one can contract the virus from food surfaces or packaging. The federal government is working on releasing farmers and others in the food supply chain from liability claims. Chuck disagrees with the USDA and FDA policies, saying that these viruses typically can be transmitted this way. Debra added that either way, consumers may not have confidence allowing their families into the fields to pick produce.

Farmers are beginning to get innovative, pre-packaging food for purchase. At the farmers' markets there is two table distance between customers and farmers. Customers can point to produce but cannot touch it or smell it. Jeremy pointed out that it would be difficult to enforce a no-touching policy at pick-your-own establishments.

10. The OAG is working with the Food Security Task Force to assist with developing plans for COVID-19 including opportunities for expanding local food production. Several local farms have seen big increases in CSA customers as well as on-line sales for curbside pickup of local food.

OAG is getting many inquiries from farmers who have been inundated with requests from customers who want to buy their products. Some have been showing up at farms unannounced, ignoring hours of operation. The Department of Permitting Services has waived all fees for signage if farmers want to put up more signs to direct customers showing up at farms.

More and more farmers are making produce available for curbside pickup. Some small-scale producers are planning to plant more things than they had planned because they are seeing an increase in CSA customers.

This is an opportunity to connect Down-County residents with Up-county farms; many county residents are looking to learn more about where their food comes from and to find out how to purchase local food. Debra mentioned that some farmers have been partnering with one another to provide diverse CSA shares, including mixing flowers with meat and produce. She heard that one local farm saw a 900% increase in CSA business.

Michael Protas-One Acre Farm in Montgomery County has 10 farmers who have agreed to provide a mixture of products. Michael has agreed to pick the food up from farms and he will do the selling and distributing of food as part of similar Chesapeake Farm to Table model that is based in

Baltimore County. Michael has applied to OAG for the MARBIDCO matching grant to take his existing Ford Transit van and retrofit it for refrigeration capacity so he can transport the products without spoilage.

11. This year marks the 40th Anniversary of the Agricultural Reserve. We will be planning for an event in the fall to celebrate this milestone with all stakeholders.

SCA and MCA have reached out to the Montgomery Farm Bureau and Montgomery Ag Producers and OAG to jointly celebrate the 40th anniversary of the Ag Reserve. They had been thinking of doing something to coincide with the Farm Tour in July but are putting that on hold since we are not sure if we will be able to hold the Farm Tour in July. Perhaps we can celebrate the 40th anniversary in the fall.

It's possible that the heat and sun of July could help kill the virus, making a July Farm Tour possible. This will be the 31st anniversary of the Tour. This year, we are planning to have a digital brochure instead of printed, which will save \$4,000 in printing costs. There are 16 farms signed up for the Tour this year, and OAG has received their descriptions and checks already. *Please note the OAG has decided to cancel the Farm Tour this year due to an abundance of caution.*

12. The OAG is working with the Council on suggested changes to the definition of agricultural education and tourism. One idea is to provide opportunities for off the grid overnight farm stays.

One of the recommendations for ag tourism is to take whatever the agreed upon definition is and replicate it in the definitions section of the zoning code. Currently, Agricultural Education and Tourism is incorporated as part of the definition of farming but replicating the definition would make it easier to find in both the definition of farming and the general definitions section.

There is a desire to add "off the grid overnight farm stays" to ag tourism. This is not camping. It would be limited to small accessory structures that are no bigger than to fit a double bed and would not be permanently affixed to a foundation. They can be moved and don't have electricity hook ups, though they can have solar panels. The roof on these structures opens up so you can sleep under the stars. Drew Baker from the Old Westminster Winery proposed to do this. He's a member of MAP. They would be limited in scope; anyone who participates would bring their own food and a bathroom trailer would be made available for bathroom facilities. The County Executive doesn't seem to like this idea and he recommends that Montgomery Countryside Alliance be made aware of the

proposal. MAP has discussed it, but the Montgomery Farm Bureau has not yet. Drew Baker discussed it with some councilmembers and Caroline Taylor of MCA.

13. Michele Cropp

We mourn the passing of our beloved friend Michele Cropp. She was like a sister to some of us, a mentor, a partner, a colleague, and a companion. She is cherished by all of us deeply as a beacon of positivity and cheer always.

Michele was active in 4H at the Fair, MAP, AAC, was President of the Farm Bureau. Her children were all raised through the 4H program and follow in her footsteps.

Her family's wishes are for benches to be placed at the Fairgrounds with her name engraved. The Farm Bureau is collecting money and Ben Butler will get us information about how to contribute.

14. Informal Adjournment 8:28 pm.